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1952. K File No. O. Prohibition of S.M. | 52.

Legal Dept.

A BRANCH

Subject:— Opinions under the Bombay Prohibition of Simultaneous Membership Act 1950

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Gen. 104 a.

341-A.

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Sr. No.	L.L./G.No.	Subject.	Pages.
		Opinions under the Bombay Prohibition of simultaneous Membership Act, 1950.	
1.	~~33T2~~ 1-3-52	Section 2(4) Re: Members of the Bombay Legislature council who have been elected to the Bombay Legislative Assembly whether they cease to the members of the B.L.C. from the date they are declared to the members of the B.L.A.	1-4.

SVV
13.6.56.
5 c.

JMA
6/7.

L.D.R.L. No. 3268 dt. 14-2-52.

Submitted.

Shri Shantilal H. Shah and Shantilal S. Shah, two sitting members of the Bombay Legislative Council have been elected to the Bombay Legislative Assembly. Requisite notifications that they have been so chosen to the Assembly appear to have been published in the B.G.G. dated the 17th and the 28th January 1952, respectively. Sub-sec. (4) of section 2 of the Bombay Prohibition of simultaneous Membership Act, 1950, provides that if a person who is already a member of the Legislative Council and has taken his seat in such Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the publication in the Official Gazette of the declaration that he has been so chosen, become vacant. In view of these provisions the B.L.D. in its note on p. 1 ante has observed that both the persons mentioned above automatically cease to be members of the Legislative Council with effect from the dates of the publication of their result in the Gazette. They will not therefore be entitled to salary as members of the Legislative Council from the said dates. The papers have been referred to L.D. before A.G. is informed accordingly.

2. The view taken by the B.L.D. is correct. The papers may be seen and returned.

Legal Dept.

X ~~Para 2 above went as reply. ex (Sd. J.R.D.) Secy. to Govt.~~

U.R. to B.L.D., No. 3372, dated the 1st March 1952.

The view taken by the Legislative Dept. is correct.

sd/- 29/2.
Addl. Secy. to Govt.

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